

Introduced by Senator SimitianFebruary 22, 2005

An act to amend Section 1034 of the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 807, as introduced, Simitian. Evidence: penitential communications: documents.

Existing law grants a member of the clergy a privilege to refuse to disclose a penitential communication as a matter of evidence in a court proceeding.

This bill would exempt from that privilege documents related to a penitential communication that are probative of alleged sexual abuse.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1034 of the Evidence Code is amended
- 2 to read:
- 3 1034. (a) Subject to Section 912, a member of the clergy,
- 4 whether or not a party, has a privilege to refuse to disclose a
- 5 penitential communication if he or she claims the privilege.
- 6 (b) *This section does not apply to documents related to a*
- 7 *penitential communication that are probative of alleged sexual*
- 8 *abuse.*

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